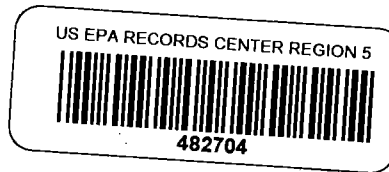


EL  
3-17-94

March 17, 1994

Mr. Jeffrey M. Cox  
Assistant Regional Counsel  
U.S. Environmental Protection  
Agency, CM-3T  
77 West Jackson Boulevard  
Chicago, IL 60604-3590



Dear Mr. Cox:

Re: Your Request for Information Pursuant to  
Sections 311 and 308 of the Clean Water Act  
33 USC 1321 and 1318

Dear Mr. Cox:

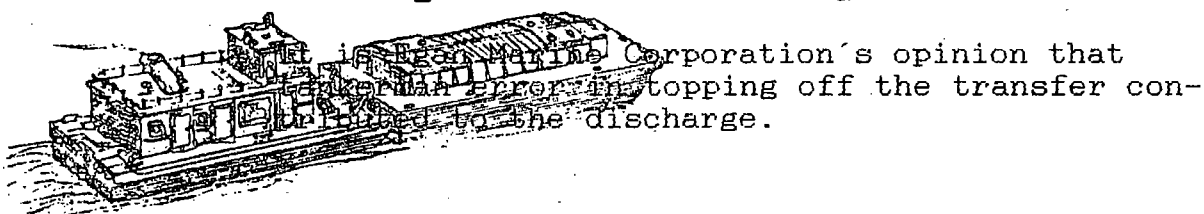
In reference to your request, Egan Marine Corporation  
responds as follows:

1. Describe, in detail, the discharge which occurred on  
or about June 10, 1993, from the vessel and the response to  
the discharge, including, but not limited to the following:

A. The duration, amount and type of oil released.

The small discharge which occurred on June 10,  
1993, from the barge EMC 310 at Clark Oil Re-  
finery, Blue Island, Illinois, was roofer's flux  
asphalt from the No. 2 Compartment. It is esti-  
mated between two to five barrels discharged onto  
the barge itself; in the water on the starboard  
side between the dock and the barge was solidified  
asphalt approximately 100 ft. long and 2 ft. wide;  
and on the port side of the barge approximately 15  
gals. floated down river to a point approximately  
1000 ft. from Clark Oil's dock. It took an esti-  
mated two to two and one-half minutes before a  
USCG licensed tankerman could shut the transfer  
down.

B. A description of the possible causes for the  
discharge:



Mr. Jeffrey M. Cox  
Environmental Protection Agency  
March 16, 1994  
Page Two ...

- C. A description of the area affected by the discharge. Include an assessment of the damage to both public and private property, and to wildlife, resulting from the discharge and ensuing clean-up efforts.

The area affected by the discharge was a small patch of solidified asphalt, approximately, 100 ft. by 2 ft., which was recovered downriver. There was no damage to public or private property nor to wildlife resulting from the discharge and ensuing clean-up efforts.

- D. A description of any evacuation and/or road closing(s) necessary as a result of the discharge. This should include the duration and extent of the evacuation and or closing.

There was no evacuation and/or road closing or any other type of hazard resulting from this discharge.

- E. A complete narrative of response efforts. Include the number of people involved; total man hours, duration of the clean-up, a list of all equipment used, and a breakdown of the total cost of the response. Also include a current description of any areas affected by the discharge and the response efforts, and a narrative of current and future clean-up efforts resulting from the discharge.

The tankerman and the dock personnel immediately started containing the spill with oil dry and a containment boom. Clark called their response team and the tankerman called Egan Marine to call the proper authorities in response to the spill and begin clean up procedures.

EMC

Mr. Jeffrey M. Cox  
Environmental Protection Agency  
March 17, 1994  
Page Three ...

Clark Oil deployed the boon and Egan Marine's M/V Daniel E put down oil dry to prevent tracking asphalt all over the barge. Egan Marine's response team showed up approximately 45 minutes from the time the spill occurred and response efforts were in full swing. Egan Marine had approximately 12 men in addition to the boat crew. All men started cleaning up the spill scraping material up off the deck and putting it into buckets which were then emptied into the barge. The small amount of asphalt that had entered the water was removed by scooping it out of the water by cutting it into small pieces with a scrapper and bucketing the small pieces back to the barge. Excess oil dry was swept and removed. The barge was cleaned and 100% of the spilled material was recovered and removed from the water by Clark Oil's pontoon boat and the efforts of Egan Marine's response team and the crew of the M/V Daniel E.

**2. Estimate the total amount of oil discharged from the vessel.**

The total amount of oil discharged was approximately two to five barrels.

**3. State any authority that was given to Egan Marine that allowed the discharge of oil and/or wastewater into the Cal-Sag Channel or any other types of permits issued to Egan subsequent to the discharge.**

There was no authority that was given to Egan Marine that allowed for the discharge of oil into the Cal-Sag Channel or other types of permits that allowed the discharge. It was accidental.

**4. Submit copies of all sampling data of samples taken from the area surrounding the discharge, along with any other type of sampling done related to the discharge.**

There was no sampling data taken from the area surrounding the discharge because of 100% recovery and this type of material is not water soluble.

EMC

Mr. Jeffrey Cox  
Environmental Protection Agency  
March 17, 1994  
Page Four ...

5. Submit copies of all reports and studies, if any, regarding the discharge, the response efforts, damage assessment, and any other event or result related to the discharge beginning on or about June 10, 1993.

Enclosed are copies of all material available to me regarding this discharge.

6. Submit all copies of correspondence with the Illinois Environmental Protection Agency since June 10, 1993, that involve the discharge, the response, and any other discharge-related event.

Besides a phone call I do not believe there is any other correspondence or written correspondence related to this event.

7. Submit a detailed map of the area of the discharge. Show the extent of the discharge, the areas that were evacuated, the roads that were closed, and any other pertinent details.

A corps of engineers map is enclosed of the area of discharge and any affected areas around discharge.

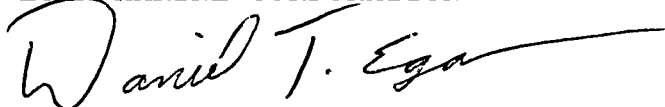
8. If any current monitoring of the discharge area(s) exists, explain the type of monitoring and submit any reports or results. Do not include reports and data already submitted pursuant to this information request.

There are no current monitoring devices nor were there any ever because of the type of material it is.

I trust this is the information you need to complete your investigation. Should you have any questions, please do not hesitate to contact me.

Sincerely,

EGAN MARINE CORPORATION



Daniel T. Egan  
Operations Manager

DTE:lka

EMC

U.S. Department  
of Transportation

United States  
Coast Guard



Phone  
(617) 223-8511  
(617) 223-8240-FAX

Return Address  
Commander (Ajn)  
Atlantic Area Hearing Office North  
U. S. Coast Guard  
408 Atlantic Avenue  
Boston, MA 02110-3350

16200

JUL 27 1993

Egan Marine Corp.  
Old Canal Road  
P. O. Box 669  
Lemont, IL 60439



Re: CASE NUMBER: 09319300606200  
SUBJECT : T/B EMC 310  
PARTY NAME : Egan Marine Corp.

Dear Vessel Owner:

As a Civil Penalty Hearing Officer for the Commander, Atlantic Area, U.S. Coast Guard, I have received a report that you as owner of the T/B EMC 310 were in violation of a United States Law administered by the Coast Guard. The violation listed below occurred or closed on June 10, 1993, at Cal-Sag Channel, Chicago, IL. The Federal Water Pollution Control Act, as amended, allows for a civil penalty not to exceed \$10,000.00 per incident, in every instance where there is a discharge of oil. The amount of the penalty is governed by the circumstances of each individual case. Accordingly, I am considering the penalty as indicated.

<u>LAW/REGULATION</u>	<u>NATURE OF VIOLATION</u>	<u>MAXIMUM STATUTORY PENALTY PER INCIDENT</u>	<u>AMOUNT CONSIDERED</u>
33 USC 1321(b)(3) 33 USC 1321(b)(6) 40 CFR 110.3	Discharging oil/ designated hazardous substances into the waters of the United States or the adjoining shoreline, or into the contiguous zone from a vessel, onshore facility or offshore facility.	\$10,000.00	\$2,000.00

This letter is to notify you of the initiation of civil penalty proceedings in accordance with 33 CFR Subpart 1.07, as amended, to which I invite your attention. No penalty will be assessed until you have had an opportunity to provide me with any information you wish about this allegation. You may provide information in writing or at an in-person hearing, held in

Boston, Massachusetts, Cleveland, Ohio, or Portsmouth, Virginia. If you wish to have a hearing, you must notify me at the above address within 30 days specifying the issues to be raised.

You have the right to examine all material in the case file and a complete copy of this Civil Penalty Case file is enclosed. You may submit any relevant material you wish to have considered.

**EVEN IF YOU DO NOT REQUEST A HEARING, YOU MAY SUBMIT WRITTEN MATERIAL AND EVIDENCE.** If you do submit written material, please include a statement of the issues in dispute and an explanation of relevance of the material to those issues. After the information has been considered, along with that which has already been submitted (case file), a decision will be made and you will be notified of that decision in writing.

You should be aware that fault or culpability is not a factor in determining whether there has been a violation of the Federal Water Pollution Control Act.

Any discharge of oil or hazardous substances in such quantities as may be harmful from any source constitutes a violation. In determining the appropriate assessment of any civil penalty, I am required to consider: the seriousness of the violation or violations, the economic benefit to the violator, if any, resulting from the violation, the degree of culpability involved, any other penalty for the same incident, any history of prior violations, the nature, extent, and degree of success of any efforts of the violator to minimize or mitigate the effects of the discharge, the economic impact of the penalty on the violator, and any other matters as justice may require. In presenting your case at a hearing, or in submitting information in lieu of a hearing, you may include information relevant to these points. In this regard, you may include information on the effect a civil penalty of \$2,000.00 would have on your ability to continue in business. If you do not submit information on the size of your business and the effect of the penalty, I will be unable to consider these factors and will proceed on the basis that you have waived consideration of them.

Your attention is invited to 33 CFR 1.07-35 concerning confidential information. If there is information relating to trade secrets, financial or commercial information, or similar information, which is exempt from public disclosure, that you wish to submit and have treated as confidential, please point this out, along with the basis for the exemption, at the time the material is supplied so that I may handle it appropriately.

You have the right to be represented at all stages of the proceeding by counsel. If I receive notification that you are represented by counsel, I will direct all further communication concerning the case to that counsel.

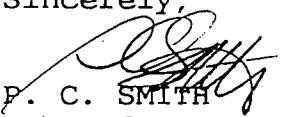
I have not yet made any penalty assessment in this case, nor will I do so until you have had the opportunity to present your side of the case. To assist you in evaluating my view of this case and in planning your further actions, 33 CFR 1.07-20 requires that I advise you of the amount of penalty which appears to be appropriate on the basis of the information presently before me. The amount I am considering is \$2,000.00.

I wish to emphasize that this is not a penalty assessment, but rather it is information provided for your assistance. If you do not wish to have a hearing, or to submit material for consideration, you may pay this amount and the case will be closed.

Enclosed is a "PAYMENT FORM" which is to be used when paying this penalty. Please designate on this form your choice of payment. If a credit card is used, YOUR SIGNATURE IS REQUIRED. Make your check or money order payable to the "U. S. COAST GUARD" for DEPOSIT INTO THE "FEDERAL TREASURY". Mail your payment with the "PAYMENT FORM" to the address shown on the form.

If a response is not received from you within thirty days from your receipt of this letter, you will waive your right to have a hearing or submit information, and I will make a decision in the case based on the material available at that time.

Sincerely,

  
P. C. SMITH  
Commander, U.S. Coast Guard  
Coast Guard Hearing Officer,  
Atlantic Area Hearing Office North

Encl: (1) Complete copy of Civil Penalty Case 09319300606200  
(2) USCG Civil Penalty Payment Form  
(3) Copy of 33 CFR 1.07

Copy: 9.M.7/22.karl8

# EGAN MARINE CORPORATION

P.O. BOX 669 — LEMONT, ILLINOIS 60439  
(708) 739-0947

# EMC

No 11523

To: WATER QUALITY

Date: SEPTEMBER 8, 1993

Barge No.:

JOB DESCRIPTION / INVOICE TO REPLACE # 11474  
ASSIST IN CLEANING OF PRODUCT THAT FLOWED DOWN RIVER ON JUNE 10, 1993

1500 TO 1900= 4 HOURS  
4 HRS x 4 MEN= 16 HOURS @ \$28.00/HOUR: \$ 448.00

1530 TO 2200= 6.5 HOURS  
6.5 x 2= 13 HOURS @ \$ 42.00/HOUR: \$ 672.00

USE OF THE M/V DANIEL E  
1900 TO 2200= 3 HOURS  
3 HRS @ \$ 150.00/HOUR: \$ 450.00

MATERIALS:  
40 BAG OF OIL DRY @ \$ 3.30 PER BAG: \$ 132.00  
BUCKETS & ROPE: \$ 40.88  
SCRAPERS & GLOVES: \$ 152.57

CHARGE FROM INVOICE # 55675 \$ 9137.48

TOTAL AMOUNT DUE: \$11032.93

ENTERED  
00367

TERMS:  
NET DUE UPON  
RECEIPT



# EGAN MARINE CORPORATION

P.O. BOX 669 - LEMONT, ILLINOIS 60439  
(708) 739-0947

# EMC

NO 11474

To: WATER QUALITY  
C70 ROLLINS HUDIG HALL  
BOATMEN'S TOWER, SUITE 1700  
100 N. BROADWAY  
ST. LOUIS, MO. 63102  
ATTN: MS. MEG MOORE

Date: JULY 19, 1993

Barge No:

## JOB DESCRIPTION / INVOICE

ASSIST IN CLEANING OF PRODUCT THAT FLOWED DOWN RIVER ON JUNE 10, 1993

1500 to 1900= 4HOURS

4HRS x 4 MEN= 16 HOURS @ \$ 37.50/HOUR:

\$ 600.00

1530 to 2200= 6.5HOURS

6.5 x 2= 13 @ \$ 56.25/HOUR:

\$ 731.25

USE OF THE M/V DANIEL E

1900 to 2200= 3HOURS

3HRS @ \$150.00/HOUR:

\$ 450.00

### MATERIALS:

40 BAGS OF OIL DRY @ \$ 3.30 PER BAG:

\$ 132.00

BUCKETS & ROPE:

\$ 40.88

SCRAPERS & GLOVES:

\$ 152.57

172.43

CHARGES FROM SERVICE WELDING INVOICE #55669

\$ 12118.10

TOTAL AMOUNT DUE:

\$ ~~14224.80~~

14397.23

TERMS:  
NET DUE UPON  
RECEIPT



# Service Welding and Shipbuilding

P.O. BOX 669 LEMONT, ILLINOIS 60439

312/739-6660

Nº 55675

DATE: SEPTEMBER 8, 1993

TO: EGAN MARINE CORPORATION  
P.O. BOX 669  
LEMONT, IL. 60439

BARGE NO.: EMC 310

JOB DESCRIPTION/ INVOICE TO REPLACE # 55669

ASPHALT SPILL AT CLARK OIL

JUNE 10, 1993

FURNISH LABOR & MATERIALS, SEND TO CLARK OIL REFINERY TO REMOVE PRODUCT FROM CANAL, SHORE LINE, AND CLARK OIL DOCK

6.5 HRS LABOR @ \$28.00/HR:	\$ 182.00
112.5 HRS LABOR @ \$42.00/HR:	\$ 4725.00

JUNE 11, 1993

FURNISH LABOR AND EQUIPMENT, SENT TO TRUMBULL ASPHALT TO CLEAN TANK BARGE EMC 310 AND CLEAN UP CANAL ON BOOMED OFF AREA AROUND VESSEL

64 HRS LABOR @ \$28.00/HR:	\$ 1792.00
8 HRS LABOR @ \$42.00/HR:	\$ 336.00

JUNE 11, 1993

FURNISH LABOR AND EQUIPMENT, SENT TO MARTIN OIL DOCK TO CLEAN UP SPOTS AROUND DOCK

9 HRS LABOR @ \$28.00/HR:	\$ 252.00
3 HRS LABOR @ \$42.00/HR:	\$ 126.00

JUNE 12, 1993

FURNISH LABOR AND CRANE TO REMOVE CONTAINERS & EQUIPMENT FROM TANK BARGE EMC 310

10 HRS LABOR @ \$42.00/HR:	\$ 420.00
4 HRS LABOR @ \$50.00/HR:	\$ 200.00

JUNE 14, 1993

FURNISH LABOR AND SOLVENTS TO CLEAN CONTAINMENT BOOM FROM CLARK OIL REFINERY

16 HRS LABOR @ \$28.00/HR:	\$ 448.00
MATERIAL:	\$ 12.48

JUNE 14, 1993

SEND LABOR AND EQUIPMENT TO CLARK OIL REFINERY TO CLEAN PONTOON BOAT

10.5 HRS LABOR @ \$28.00/HR:	\$ 294.00
5 HRS LABOR @ \$42.00/HR:	\$ 210.00

TOTAL AMOUNT DUE: \$ 9137.48

**TERMS:**  
**NET DUE UPON**  
**RECEIPT**

ENTERED  
264

4108



# Service Welding and Shipbuilding

P.O. BOX 669 LEMONT, ILLINOIS 60439

312/739-6660

Nº 55669

DATE: JULY 10, 1993

TO: EGAN MARINE CORPORATION  
P.O. BOX 669  
LEMONT, IL. 60439

BARGE NO.: EMC 310

## JOB DESCRIPTION / INVOICE

### ASPHALT SPILL AT CLARK OIL

JUNE 10, 1993

FURNISH LABOR & MATERIAL; SEND TO CLARK OIL REFINERY TO REMOVE PRODUCT FROM CANAL, SHORE LINE, AND CLARK OIL DOCK.

6.5 HRS LABOR @ \$ 37.50/HR:	\$ 243.75
112.5 HRS LABOR @ \$ 56.25/HR:	\$ 6328.12

JUNE 11, 1993

FURNISH LABOR AND EQUIPMENT. SENT TO TRUMBULL ASPHALT TO CLEAN TANK BARGE EMC 310 AND CLEAN UP CANAL ON BOOMED OFF AREA AROUND VESSEL.

64 HRS LABOR @ \$ 37.50/HR:	\$ 2400.00
8 HRS LABOR @ \$ 56.25/HR:	\$ 450.00

JUNE 11, 1993

FURNISH LABOR AND EQUIPMENT. SENT TO MARTIN OIL DOCK TO CLEAN UP SPOTS AROUND DOCK.

9 HRS LABOR @ \$ 37.50/HR:	\$ 337.50
3 HRS LABOR @ \$ 56.25/HR:	\$ 168.75

JUNE 12, 1993

FURNISH LABOR AND CRANE TO REMOVE CONTAINERS & EQUIPMENT FROM TANK BARGE EMC 310.

10 HRS LABOR @ \$ 56.25/HR:	\$ 562.50
4 HRS LABOR @ \$ 35.00/HR:	\$ 140.00

JUNE 14, 1993

FURNISH LABOR & SOLVENTS TO CLEAN CONTAINMENT BOOM FROM CLARK OIL REFINERY.

16 HRS LABOR @ \$ 37.50/HR:	\$ 600.00
MATERIAL:	\$ 12.48

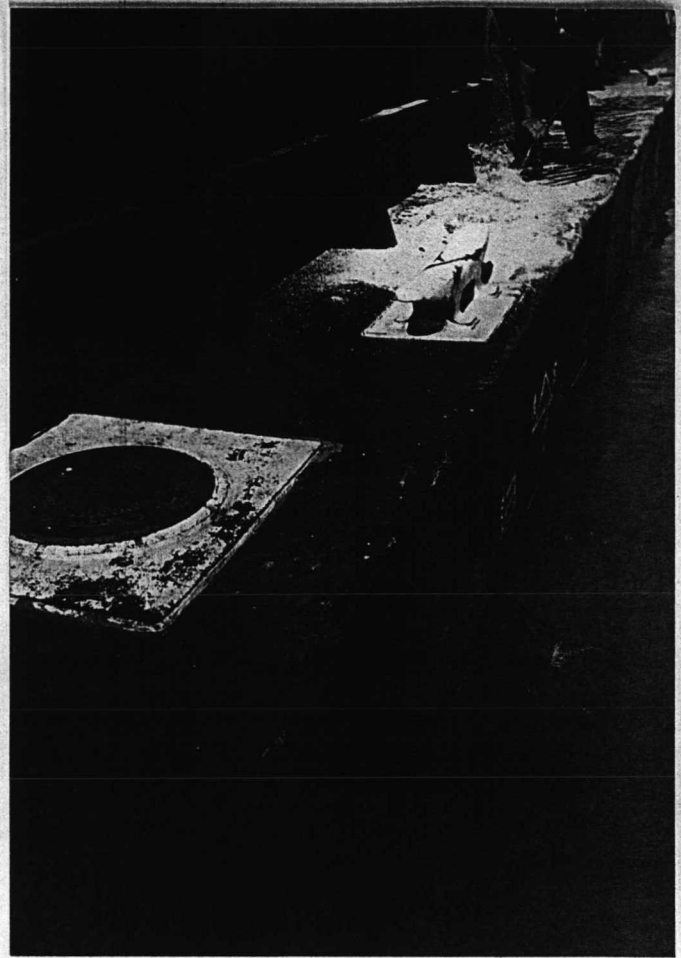
JUNE 14, 1993

FURNISH LABOR AND EQUIPMENT TO CLARK OIL REFINERY TO CLEAN PONTOON BOAT.

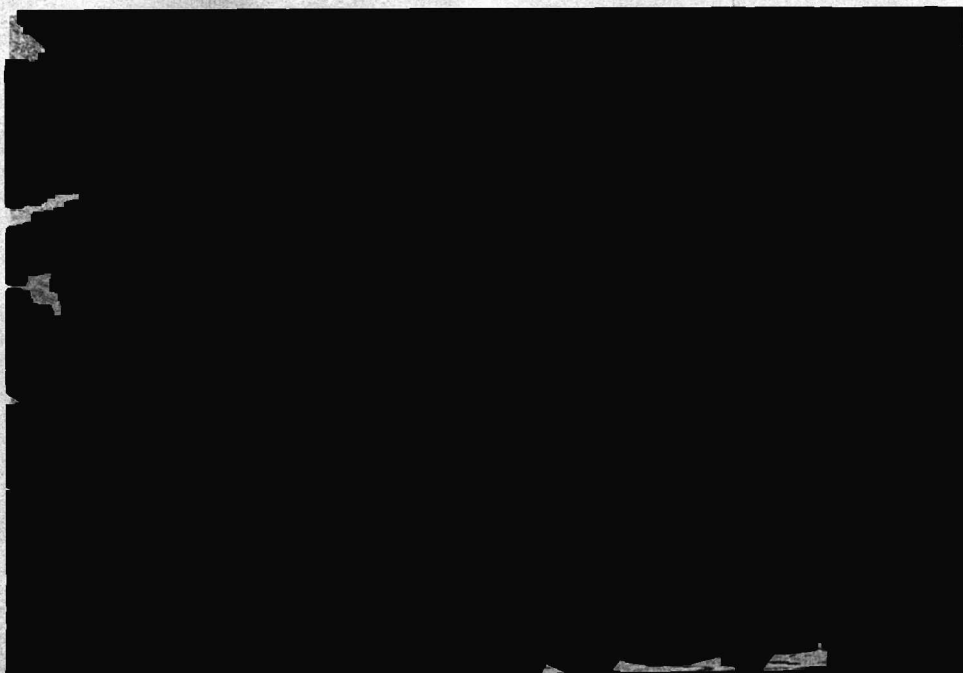
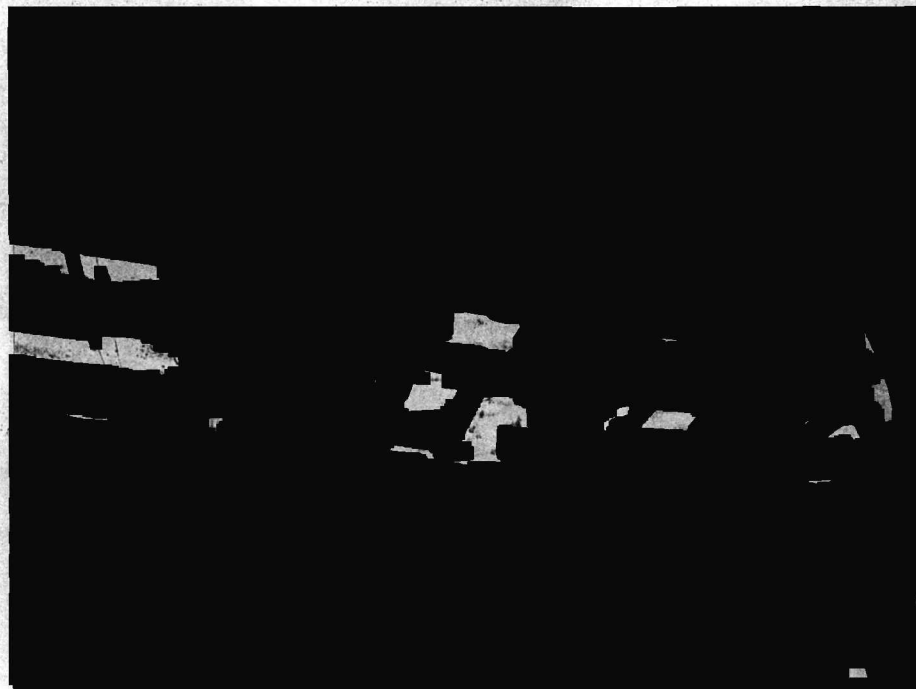
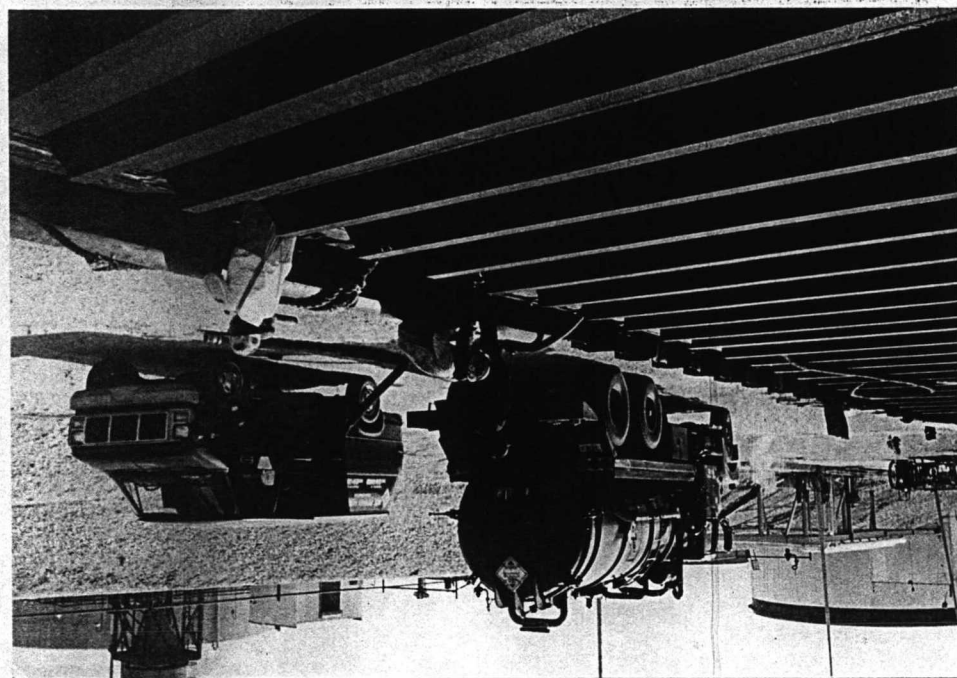
10.5 HRS LABOR @ \$ 37.50/HR:	\$ 393.75
5 HRS LABOR @ \$ 35.25/HR:	\$ 176.25

TOTAL AMOUNT DUE: \$12118.10

**TERMS:**  
**NET DUE UPON**  
**RECEIPT**







U.S. Department  
of Transportation

United States  
Coast Guard



NOTICE OF FEDERAL INTEREST FOR  
AN OIL POLLUTION INCIDENT

COMMANDING OFFICER

COMMANDING OFFICER  
USCG MSO CHICAGO  
215 W 83rd STREET  
BURR RIDGE, IL 60521-7059  
(708) 789-5830

EGAN MARINE

PO Box 669

LEMONT, IL 60439

(708) 739-0947

*file  
EMC 310 -  
Spencer*

10 JUN 93

Gentlemen:

On or about 10 JUN 93, an oil pollution incident occurred or threatens to occur at CAL SAG CHANNEL RIVER MILE MARKER 316.9. You may be financially responsible for that incident. Under Federal Statutes, the United States Government may take action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this incident. The failure or refusal of the responsible party to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (OSC) will eliminate any defense or entitlement to limited liability which otherwise might be available under the Act.

You are advised that your failure to properly carry out the removal of the discharge as ordered by the OSC or to comply with any administrative orders necessary to protect the public health and welfare, may subject you to additional penalties. For such failure, owners, operators, or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to \$25,000 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund. Should you require further information concerning this matter, please contact MK3 DAN MCKAY at the above address and telephone number.

As long as the OSC determines that you are taking adequate actions in this matter, Federal removal action will usually be limited to monitoring the progress of your actions and providing guidance as necessary. Under the FWPCA, as amended, your response actions may be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Sincerely,

MK3 DP MCKAY

Received and Acknowledged:

Daniel T Egan

Witness(es):

BM3 [Signature]





STATEMENT FORM

*orig  
copy  
given  
USCG  
date  
of  
incident*

1455 I went out and Check my ladder Runnes in the Components  
The #one had 6 the #two had 2 1/2 and the #3 had 5 showing  
I cut down the #2 middle Lead Valve about all the way  
about 3 turn from the bottom then went and Check the draft  
mark had about 9 ft, I went to 9' 3" was ~~clim~~ getting  
on top of Cargo tank to Close the #2 and 3" when  
I herd it hit the bottom of the ulage hatch I ~~call~~  
call the dock man about 4 or 5 times to shut it down  
while I was closing the Valve on #2 it Took about  
2 to 2 1/2 min to get it shut down. then I had and me  
men start putting out oil dry to Contain the spill  
then went and called my office so they could Notify  
the Proper people at 1501. Then I went out and  
Contiured containing the spill.

Continue on additional sheets if necessary, or on back of this one

Keith Gray *Keith Gray* June 10, 1943  
Printed name of person making the statement Signature Date

Printed name of witness Signature Date

Page 1 of 1 pages

Enclosure # ( )

# EGAN MARINE CORPORATION

DANIEL E.

No.

## DAILY LOG SHEET

Thur

DATE June 10, 1993

[illegible]